



CONGRESSIONAL AMBIVALENCE

*The Political Burdens of
Constitutional Authority*

JASMINE FARRIER

Congressional Ambivalence The Political Burdens Of Constitutional Authority

Louis Fisher



Congressional Ambivalence The Political Burdens Of Constitutional Authority:

Congressional Ambivalence Jasmine Farrier, 2010 Is the United States Congress dead alive or trapped in a moribund cycle When confronted with controversial policy issues members of Congress struggle to satisfy conflicting legislative representative and oversight duties These competing goals along with the pressure to satisfy local constituents cause members of Congress to routinely cede power on a variety of policies express regret over their loss of control and later return to the habit of delegating their power This pattern of institutional ambivalence undermines conventional wisdom about congressional party resurgence the power of oversight and the return of the so called imperial presidency In Congressional Ambivalence Jasmine Farrier examines Congress s frequent delegation of power by analyzing primary source materials such as bills committee reports and the Congressional Record Farrier demonstrates that Congress is caught between abdication and ambition and that this ambivalence affects numerous facets of the legislative process Explaining specific instances of post delegation disorder including Congress s use of new bills obstruction public criticism and oversight to salvage its lost power Farrier exposes the tensions surrounding Congress s roles in recent hot button issues such as base closing commissions presidential trade promotion authority and responses to the attacks of September 11 She also examines shifting public rhetoric used by members of Congress as they emphasize in institutionally self conscious terms the difficulties of balancing their multiple roles With a deep understanding of the inner workings of the federal government Farrier illuminates a developing trend in the practice of democracy

Defending Congress and the Constitution Louis Fisher, 2011-09-07 The culmination of four decades of research and service on behalf of Congress Louis Fisher s latest work is a fitting capstone to a remarkable career as scholar and writer and presents his most articulate passionate and persuasive defense yet of Congress as an institution Our nation s leading authority on the separation of powers Fisher offers a lucid primer on our nation s government and its executive legislative and judicial branches while vigorously advocating a robust reassertion of Congress s rightful role within that system Drawing on a wide range of legislation Supreme Court rulings and presidential decisions Fisher illuminates the contentious contest among the three major branches for power and control of government presents a panorama of American history and touches on issues as wide ranging as federalism religious freedom and national security policy Fisher is especially critical of the stereotypical view of the Supreme Court s decisions as possessing a kind of effectiveness and absolute finality that transcends the efforts

and powers of Congress Indeed he argues that Congress as much or more than the judiciary has had a major positive impact on protecting individual rights in this country while the judiciary has fallen short in such areas as child labor regulation and compulsory flag salute or has attempted to settle a constitutional issue only to have it fester for years breeding anger and resentment until the political process forces the courts rethink their views He highlights legislative accomplishments in many areas often in the face of judicial opposition and obstruction but also chides Congress for not protecting its key prerogatives over the power of the purse and going to war In yielding to other branches Fishers warns lawmakers fail to represent their constituents and cripple the very system of checks and balances the Framers counted on to limit the destructive capacity of government His book offers a wealth of forceful insights and provides an important reminder of and guide to how our government should really work

The Presidency and the Political System Michael Nelson, 2020-07-17 The Presidency and the Political System showcases the best of presidential studies and research with top notch presidency scholars writing specifically for an undergraduate audience Michael Nelson rigorously edits each contribution to present a set of analytical yet accessible chapters and offers contextual headnotes introducing each essay Chapters represent the full range of topics institutions and issues relevant to understanding the American presidency covering approaches to studying the presidency elements of presidential power presidential selection presidents and politics and presidents and government This Twelfth Edition fully incorporates coverage of the Trump administration

Congress and Civil-Military Relations Colton C. Campbell, David P. Auerswald, 2015-03-03 While the president is the commander in chief the US Congress plays a critical and underappreciated role in civil military relations the relationship between the armed forces and the civilian leadership that commands it This unique book edited by Colton C Campbell and David P Auerswald will help readers better understand the role of Congress in military affairs and national and international security policy Contributors include the most experienced scholars in the field as well as practitioners and innovative new voices all delving into the ways Congress attempts to direct the military This book explores four tools in particular that play a key role in congressional action the selection of military officers delegation of authority to the military oversight of the military branches and the establishment of incentives both positive and negative to encourage appropriate military behavior The contributors explore the obstacles and pressures faced by legislators including the necessity of balancing national concerns and local interests partisan and intraparty differences budgetary constraints the military's traditional resistance to change and an ongoing lack of foreign policy consensus at the national level Yet despite the considerable barriers Congress influences policy on everything from closing bases to drone warfare to acquisitions A groundbreaking study Congress and Civil Military Relations points the way forward in analyzing an overlooked yet fundamental government relationship

The Oxford Handbook of American Political Development Richard M. Valelly, Suzanne Mettler, Robert C. Lieberman, 2016-08-25 Scholars working in or sympathetic to American political development APD share a commitment to accurately understanding the history of American politics and thus they question

stylized facts about America's political evolution. Like other approaches to American politics, APD prizes analytical rigor, data collection, the development and testing of theory, and the generation of provocative hypotheses. Much APD scholarship indeed overlaps with the American politics subfield and its many well-developed literatures on specific institutions or processes, for example Congress, judicial politics, or party competition, specific policy domains (welfare, policy, immigration), the foundations of inequality in American politics, the distribution of wealth and income, race, ethnicity, gender, class, and sexual and gender orientation, public law and governance, and representation. What distinguishes APD is careful, systematic thought about the ways that political processes, civic ideals, the political construction of social divisions, patterns of identity formation, the making and implementation of public policies, contestation over and via the Constitution, and other formal and informal institutions and processes evolve over time, and whether and how they alter, compromise, or sustain the American liberal democratic regime. APD scholars identify in short the histories that constitute American politics. They ask what familiar or unfamiliar elements of the American past illuminate the present. Are contemporary phenomena that appear new or surprising prefigured in ways that an APD approach can bring to the fore? If a contemporary phenomenon is unprecedented, then how might an accurate understanding of the evolution of American politics unlock its significance? Featuring contributions from leading academics in the field, *The Oxford Handbook of American Political Development* provides an authoritative and accessible analysis of the study of American political development.

Constitutional Conflicts between Congress and the President Louis Fisher, 2014-08-19. Over three decades after its initial publication, Louis Fisher's durable classic remains at the head of its class, a book that *Congressional Quarterly* called as close to being indispensable as anything published in this field. This newly revised sixth edition emphatically reinforces that sterling reputation. Fisher dissects the crucial constitutional disputes between the executive and legislative branches of government from the Constitutional Convention through President Clinton's impeachment battles to the recent controversies over President Bush's conduct as commander in chief. He ventures beyond traditional discussions of Supreme Court decisions to examine the day-to-day working relationships between the president and Congress. By analyzing a mixture of judicial pronouncements, executive acts, and legislative debates, Fisher pinpoints the critical areas of legislative-executive tension: appointment powers, investigatory powers, legislative and executive vetoes, the budgetary process, and war powers. He then examines these areas of tension within a concrete political and historical context. To scholars, this book offers a comprehensive examination of the institutions and issues of public law. For practitioners, general readers, and students of American government, it demonstrates how constitutional issues shape and define current events. The new edition covers for the first time: Obama's military decisions in Afghanistan and Iraq; Military operations against Libya in 2011; Threatened attacks on Syria in 2013; Efforts to close Guantanamo; Obama's recess appointments during a pro forma session; Fast and Furious scandal; Holder's contempt and Obama's executive privilege; The growth of presidential czars; Executive branch secrecy and lack of accountability; State Secrets Privilege after 9/11.

Distinguishing between implied powers constitutional and inherent powers not constitutional Pocket vetoes and the growth of hybrid vetoes New developments in the President's removal power

Constitutional Dysfunction on Trial Jasmine Farrier, 2019-12-15 In an original assessment of all three branches Jasmine Farrier reveals a new way in which the American federal system is broken Turning away from the partisan narratives of everyday politics Constitutional Dysfunction on Trial diagnoses the deeper and bipartisan nature of imbalance of power that undermines public deliberation and accountability especially on war powers By focusing on the lawsuits brought by Congressional members that challenge presidential unilateralism Farrier provides a new diagnostic lens on the permanent institutional problems that have undermined the separation of powers system in the last five decades across a diverse array of partisan and policy landscapes As each chapter demonstrates member lawsuits are an outlet for frustrated members of both parties who cannot get their House and Senate colleagues to confront overweening presidential action through normal legislative processes But these lawsuits often backfire leaving Congress as an institution even more disadvantaged Jasmine Farrier argues these suits are more symptoms of constitutional dysfunction than the cure Constitutional Dysfunction on Trial shows federal judges will not and cannot restore the separation of powers system alone Fifty years of congressional atrophy cannot be reversed in court

The Law of the Executive Branch Dr. Louis Fisher, 2014-01-03 The scope of presidential authority has been a constant focus of constitutional dispute since the Framing The bases for presidential appointment and removal the responsibility of the Executive to choose between the will of Congress and the President the extent of unitary powers over the military even the ability of the President to keep secret the identity of those consulted in policy making decisions have all been the subject of intense controversy The scope of that power and the manner of its exercise affect not only the actions of the President and the White House staff but also all staff employed by the executive agencies There is a clear need to examine the law of the entire executive branch The Law of the Executive Branch Presidential Power places the law of the executive branch firmly in the context of constitutional language framers intent and more than two centuries of practice In this book Louis Fisher strives to separate legitimate from illegitimate sources of power through analysis that is informed by litigation as well as shaped by presidential initiatives statutory policy judicial interpretations and public and international pressures Each provision of the US Constitution is analyzed to reveal its contemporary meaning in concert with the application of presidential power Controversial issues covered in the book include unilateral presidential wars the state secrets privilege extraordinary rendition claims of inherent presidential powers that may not be checked by other branches and executive privilege

Congress and the War on Terror Darren A. Wheeler, 2018-08-17 As the U S government continues the battle against terrorism Congress representatives of the people must develop long term policies that provide for national security and protect the civil liberties of the American people Much of the conversation surrounding the War on Terror focuses on presidential power and responses to the president's exercising that power Often overlooked or downplayed is the role of Congress in directing the outcome of the war

This book illustrates how Congress in conjunction with the president and the judiciary has played a key role in laying the foundation for many post 9 11 policies in areas such as surveillance and detention. Instead of arguing that Congress is incapable of making successful counterterrorism policy, Congress and the War on Terror objectively examines what Congress has done in the past to suggest what action may be needed in the future. Covering controversial topics including torture, interrogation, drones, and military tribunals, it shows that only understanding previous decisions will enable Americans to determine what role Congress should play as the United States fights terror.

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